

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON

TIMOTHY JAMES THORNE,

Movant,

v.

Civil Action No. 2:15-cv-16027  
(Criminal No. 6:13-00148)

UNITED STATES OF AMERICA,

Respondent.

MEMORANDUM OPINION AND ORDER

Pending before the court is movant's motion to vacate, set aside, or correct his sentence under 28 U.S.C. § 2255, filed on December 10, 2015. Also pending are movant's supplemental Section 2255 motion, filed on June 23, 2016, and respondent's motion to stay and withdraw referral to the magistrate judge, filed on August 24, 2016.

This action was previously referred to the Honorable Cheryl A. Eifert, United States Magistrate Judge, for submission to the court of her Proposed Findings and Recommendations ("PF&R") for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B).

On January 2, 2018, Magistrate Judge Eifert entered her PF&R recommending that the Section 2255 motion be denied for failure to state a potentially meritorious ground for relief, and that the matter be dismissed from the docket of the court. In her PF&R, Magistrate Judge Eifert also discusses why the supplemental motion, which challenges movant's career offender designation under the advisory sentencing guidelines, should be denied (PF&R at 7).

No objections having been filed, the movant has waived de novo review of the matter by this court.

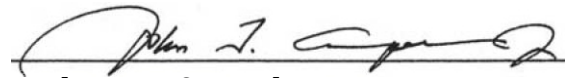
It is, accordingly, ORDERED as follows:

1. Magistrate Judge Eifert's Proposed Findings and Recommendations be, and they hereby are, adopted and incorporated in full.
2. Movant's original and supplemental motions under 28 U.S.C. § 2255 be, and they hereby are, denied.
3. Respondent's motion to stay and withdraw referral to the magistrate judge be, and it hereby is, denied as moot.

4. This action be dismissed with prejudice and removed from the docket of the court.

The Clerk is directed to forward copies of this memorandum opinion and order to the movant, all counsel of record, and United States Magistrate Judge Cheryl A. Eifert.

DATED: February 22, 2018

A handwritten signature in black ink, appearing to read "John T. Copenhaver, Jr.", is written over a horizontal line.

John T. Copenhaver, Jr.  
United States District Judge